

EXHIBIT 1

FILED UNDER SEAL

Message

From: Matthew Drake [madrake@google.com]
Sent: 9/16/2008 11:01:05 PM
To: Bill Coughran [wmc@google.com]; Kent Walker [kwalker@google.com]
Subject: Re: [Googlers] Business communications in a complicated world

Is there a way to override the "corporate default setting" so that all chats I'm part of are On The Record by default? I rely pretty heavily on chat history for day-to-day work since it is used interchangeably with email and I lookup the same sorts of information I'd find in my email (links, decisions we made, how to do things, etc) If the corporate default setting of "off the record by default" means that every single chat I am part of I'll need to "Go on the record" for, that'll be a huge decrease in my productivity + a ton of time spent clicking the same checkbox. This may make sense as a corporate default but definitely not as a default for myself.

There is a Gmail Chat Setting around "saving chat history in gmail" but its not clear whether this is the setting that controls the default value or whether chat history is accessible from within gmail. If this is indeed the setting that needs to be marked as "on" so that all my chats are on-the-record, I want to make sure that it won't suddenly get turned off since I've explicitly changed the setting to be on.

- Matt

On Tue, Sep 16, 2008 at 2:09 PM, Bill Coughran <wmc@google.com> wrote:

> Confidential/Please Do Not forward
> Googlers -
> As you know, Google continues to be in the midst of several significant
> legal and regulatory matters, including government review of our deal with
> Yahoo!, various copyright, patent, and trademark lawsuits, and lots of other
> claims. Given our continuing commitment to developing revolutionary
> products and doing disruptive things, we're going to keep facing these kinds
> of challenges. So we've got two requests of you and one change to announce.
>
> First, please write carefully and thoughtfully. We're an email and
> instant-messaging culture. We conduct much of our work online. We believe
> that information is good. But anything you write can become subject to
> review in legal discovery, misconstrued, or taken out of context, and may
> be used against you or us in ways you wouldn't expect. Writing stuff that's
> sarcastic, speculative, or not fully informed inevitably creates problems in
> litigation. In your communications, please avoid stating legal conclusions.
> Speculation about whether something might breach a complex contract, or
> whether it might violate a law somewhere in the world, is often wrong and
> rarely helpful. So please do think twice before you write about hot topics,
> don't comment before you have all the facts, and direct questions
> regarding continuing litigation holds and any legal and/or regulatory
> matters involving Google to the friendly (albeit lawyerly) folks
> at litigation-hold@google.com
> Second, remember that these same rules apply not just to Gmail but also to
> Google Talk and all other forms of electronic communication (for example
> wiki's, doc's, spreadsheets, etc.). We end up reviewing millions of pages
> of these communications as part of producing documents in regulatory and
> litigation matters -- and we're working together to streamline and simplify
> that process.
>
> To help avoid inadvertent retention of instant messages, we have decided to
> make "off the record" the Google corporate default setting for Google Talk.
> We'll also be providing this option to our Google Apps enterprise
> customers. You should see this new default setting taking effect over the
> next few days. You will still be able to save Talk conversations that are
> useful to you -- but please remember that "on the record" conversations
> become part of your (more or less) permanent record and are added
> to Google's long-term document storehouse. If you've received notice that
> you're subject to a litigation hold, and you must chat regarding matters
> covered by that hold, please make sure that those chats are "on the record".
> Finally, remember that even when you're "off the record", your chat partner
> may be recording the conversation, so always take care with what you write.
> Thanks for your help and understanding on this. Let one of us know if you
> have any questions.

Ex. No.

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